

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIE THOMAS CURRY, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-cv-00487-CDP
)	
BI-STATE DEVELOPMENT,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Willie Thomas Curry, Jr. for leave to commence this action without payment of the required filing fee. *See* 28 U.S.C. § 1915(a). Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. Therefore, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

Plaintiff brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination against defendant Bi-State Development. Plaintiff has not filed a copy of his right-to-sue letter from the Equal Employment Opportunity Commission (“EEOC”) or a copy of his right-to-sue letter from the Missouri Commission on Human Rights (“MCHR”).

To initiate a claim under Title VII, a party must timely file a charge of discrimination with the EEOC and receive a right-to-sue letter. *See Muth v. Cobro Corp.*, 895 F. Supp. 254, 255-56 (E.D. Mo. 1995). If plaintiff has received an EEOC right-to-sue letter, he must submit a copy of it so the Court can ascertain the timeliness of his federal employment claims. *Id.* If he has not yet received an EEOC right-to-sue letter, this Court would not have jurisdiction over plaintiff’s EEOC

claim or any MCHR claim, because federal jurisdiction over a plaintiff's MCHR claim depends upon the Court's jurisdiction over a federal claim in the same action.¹ Accordingly, the Court will order plaintiff to supplement the complaint by submitting a copy of his EEOC right-to-sue letter, if he has received one, within twenty-one (21) days of the date of this Order.

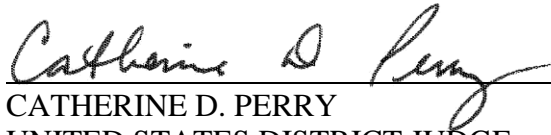
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis is **GRANTED**. [ECF No. 3]

IT IS FURTHER ORDERED that plaintiff shall submit a copy of his EEOC right-to-sue letter, if he has received one, within twenty-one (21) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, this action will be dismissed without prejudice and without further notice to plaintiff.

Dated this 25th day of April, 2023.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

¹The Court notes that there are no grounds for diversity jurisdiction in the instant case.